



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,911	06/15/2001	Jeff Taylor	003801.P044	8378

21186 7590 02/08/2006

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH  
1600 TCF TOWER  
121 SOUTH EIGHT STREET  
MINNEAPOLIS, MN 55402

EXAMINER

BASHORE, ALAIN L

ART UNIT PAPER NUMBER

1762

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

---

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/881,911  
Filing Date: June 15, 2001  
Appellant(s): TAYLOR ET AL.

---

Mark R. Vatuone  
For Appellant

**EXAMINER'S ANSWER**

**MAILED**

**FEB 08 2006**

**GROUP 1700**

This is in response to the appeal brief filed 12-7-05 appealing from the Office action mailed 8-5-05.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

Art Unit: 1762

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

2001/0049634	STEWART	12-2001
2002/0174060	FRIEDLAND ET AL	11-2002
6,240,396	WALKER ET AL	5-2001
2002/0042755	KUMAR ET AL	4-2002

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 10-11, 13-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart.

Stewart discloses a method to facilitate network-based shopping on an auction web site where there is communication between a network-based auction facility and a seller (para 0057). Bidders are recorded as qualified to participate before the bidder may bid (para 0099, 0100).

It would have been obvious to one with ordinary skill in the art to substitute “authorized” for what is described by Stewart since the teaching in Stewart is to a “qualified to participate” and “approval” that is considered within the ordinary meaning of authorized. Stewart also teaches the creation of a legally binding contract (para 0108) which also implicitly provides “authorization”. Since the seller enters into a bidding agreement there is present a “request to authorize”.

Stewart discloses communication of a seller request to authorize bidders to bid on a sale listing (para 0010). The buyer custom catalog disclosed by Stewart (para 0061) is considered within the definition of a “personalized web page”.

Claims 7-8, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart as applied to claims above, and further in view of Friedland et al.

Friedland et al discloses bidding history (fig 8) and restriction requirements (fig 6)

It would have been obvious to one with ordinary skill in the art to include bidding history to Stewart because Stewart teaches a live auction as one type of auction for the exchange of goods (para 0071).

It would have been obvious to one with ordinary skill in the art to include restriction requirements to Stewart because Stewart teaches such as requirements of the transaction process (para 0065).

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart as applied to claims above, and further in view of Walker et al.

Stewart does not disclose a sales listing that includes an events listing.

Walker et al discloses events listing (col 1, lines 44-60).

Art Unit: 1762

It would have been obvious to one with ordinary skill in the art to include a sales listing as disclosed by Walker et al to Stewart as the substitution of one type of commodity for another.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Friedland et al in view of Stewart as applied to claims above, and further in view of Kumar et al.

Friedland et al in view of Stewart does not disclose adding and removing an authorization restriction.

Kumar et al discloses adding and removing an authorization restrictions ( para 0044, 0048).

It would have been obvious to one with ordinary skill in the art to include adding and removing an authorization restrictions to Friedland et al in view of Stewart because Kumar et al teaches that business conditions may change over time (para 0044).

**(10) Response to Argument**

The argument regarding “repeatedly requalify a buyer member” is not commensurate in scope with what is claimed.

The term “particular” does not further distinguish over the prior art of record. Since Steward discloses authorization for all sale listings, this encompasses a “particular” listing.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.



Art Unit: 1762

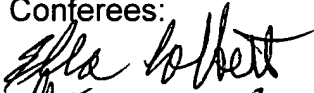
**(12) Conclusion**

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

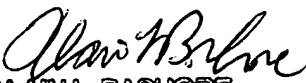
  
ALAIN L. BASHORE  
PRIMARY EXAMINER

Conferees:

  
Primary Examiner



VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

  
ALAIN L. BASHORE  
PRIMARY EXAMINER